

Virginia Regulatory Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	State Air Pollution Control Board
Regulation Title:	Regulations for the Control and Abatement of Air Pollution
Primary Action:	9 VAC 5-60-90 et seq.
Secondary Action(s):	9 VAC 5-50-400 and 9 VAC 5-60-60
Action Title:	Federal Documents Incorporated by Reference
Date:	March 8, 2000

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1C 1 through 4 at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1C 1 through 4 of the APA do not require filing with the Registrar at the proposed stage.

Summary

Please provide a brief summary of the regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment.

The regulation amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 1999. Below is a list of the new standards being incorporated into the state regulations by reference:

1. No new NSPSs are being incorporated; a number of dates are being updated.
2. No new NESHAP are being incorporated; a number of dates are being updated.
3. Incorporation of 19 national emission standards for hazardous air pollutants for source categories (MACT) as follows:

- a. Subpart AA - Phosphoric Acid Manufacturing (40 CFR 63.600 through 40 CFR 63.610).
- b. Subpart BB - Phosphate Fertilizers Production (40 CFR 63.620 through 40 CFR 63.631).
- c. Subpart HH - Oil and Natural Gas Production Facilities (40 CFR 63.760 through 40 CFR 63.779).
- d. Subpart SS - Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (40 CFR 63.980 through 40 CFR 63.999).
- e. Subpart TT - Equipment Leaks - Control Level 1 (40 CFR 63.1000 through 40 CFR 63.1018).
- f. Subpart UU - Equipment Leaks - Control Level 2 (40 CFR 63.1019 through 40 CFR 63.1039).
- g. Subpart WW - Storage Vessels (Tanks) - Control Level 2 (40 CFR 63.1060 through 40 CFR 63.1066).
- h. Subpart YY - Generic Maximum Achievable Control Technology Standards (40 CFR 63.1100 through 40 CFR 63.1113).
- i. Subpart CCC - Steel Pickling--Hydrogen Chloride Process Facilities and Hydrochloric Acid Regeneration Plants (40 CFR 63.1155 through 40 CFR 63.1174).
- j. Subpart DDD - Mineral Wool Production (40 CFR 63.1175 through 40 CFR 63.1199).
- k. Subpart GGG - Pharmaceutical Production (40 CFR 63.1250 through 40 CFR 63.1261).
- l. Subpart HHH - Natural Gas Transmission and Storage Facilities (40 CFR 63.1270 through 40 CFR 63.1289).
- m. Subpart III - Flexible Polyurethane Foam Production (40 CFR 63.1290 through 40 CFR 63.1309).
- n. Subpart LLL - Portland Cement Manufacturing (40 CFR 63.1340 through 40 CFR 63.1359).
- o. Subpart MMM - Pesticide Active Ingredient Production (40 CFR 63.1360 through 40 CFR 63.1369).

- p. Subpart NNN - Wool Fiberglass Manufacturing (40 CFR 63.1380 through 63.1399).
- q. Subpart PPP - Polyether Polyols Production (40 CFR 63.1420 through 40 CFR 63.1439).
- r. Subpart TTT - Primary Lead Smelting (40 CFR 63.1541 through 40 CFR 63.1550).
- s. Subpart XXX - Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR 63.1620 through 40 CFR 63.1679)

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency, including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On December 13, 1999, the State Air Pollution Control Board adopted final amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution", specifically concerning federal regulations incorporated by reference (9 VAC 5 Chapters 50 and 60). The regulation amendments are to be effective on May 1, 2000.

In adopting these amendments, the Board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 9-6.14:4.1 C of the Administrative Process Act.

Additional Information

Please indicate that the text of the regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law.

If the exemption claimed falls under § 9-6.14:4.1 C 4 (c) of the APA please include the federal law or regulations being relied upon for the final agency action.

The text of the regulation and a copy of the federal regulations being relied upon for the final agency action are attached.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Written assurance from the Office of the Attorney General that (i) the Board has statutory authority to promulgate the final regulation amendments and (ii) the

amendments qualify as an exemption under § 9-6.14:4.1 C 4 (c) of the Administrative Process Act is available upon request.

Family Impact Statement

Please provide an analysis of the impact of the regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; 4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in fertility disorders, fetal mutation and deformity, chronic and acute illness, premature death, and property damage.